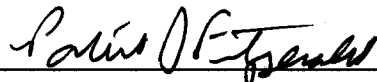


UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA)	
)	CR. NO 05-394 (RBW)
v.)	
)	
I. LEWIS LIBBY,)	
also known as "Scooter Libby")	

EXHIBITS A THROUGH F

Respectfully submitted,



PATRICK J. FITZGERALD
Special Counsel
Office of the United States Attorney
Northern District of Illinois
219 South Dearborn Street
Chicago, Illinois 60604
(312) 353-5300

Dated: May 12, 2006

Exhibit A

Have they done this sort of thing before? Or did his wife send him on a junket? Send an e-mail to answer a question? Do we ordinarily put him to work for us?

THE NEW YORK TIMES OP-ED SUNDAY, JULY 6, 2003

What I Didn't Find in Africa

By Joseph C. Wilson 4th

WASHINGTON
The Bush administration manipulates intelligence about Saddam Hussein's weapons programs to justify an invasion of Iraq?

Based on my experience with the administration in the months leading up to the war, I have little choice but to conclude that some of the intelligence related to Iraq's nuclear weapons program was twisted to exaggerate the threat.

For 23 years, from 1976 to 1998, I was a career foreign service officer and ambassador. In 1990, as charge d'affaires in Baghdad, I was the last American diplomat to meet with Saddam Hussein. I was also a forceful advocate for his removal from Kuwait. After Iraq's invasion of Kuwait, George H. W. Bush's ambassador to Gabon and Sao Tome and Principe, Under Secretary of State, and I helped direct Africa policy for the National Security Council.

It was my experience in Africa that led me to play a small role in the effort to verify information about Africa's suspected Iraq nuclear weapons program. Those news stories about that unnamed former envoy who went to Niger? That's me. In February 2002, I was informed by officials at the Central Intelligence Agency that Vice President Dick Cheney's office had questions about a particular intelligence report. While never saw the report, I was told that it referred to a memorandum of agreement that documented the sale of uranium yellowcake — a form of highly processed ore — by Niger to Iraq in the late 1990s. The agency officials asked if I would travel to Niger to check out

the story so they could provide a response to the vice president's office.

After consulting with the State Department's African Affairs Bureau (and through it with Barbara Owens-Kirkpatrick, the United States ambassador to Niger), I agreed to make the trip. The mission I undertook was discrete but by no means secret. While the C.I.A. paid my expenses (my time was

There was no Iraq-Niger uranium deal.

offered pro bono) I made it abundantly clear to everyone I met that I was acting on behalf of the United States government.

In late February 2002, I arrived in Niger's capital, Niamey, where I had been a diplomat in the mid-70s and visited as a National Security Council official in the late 90s. The city was much as I remembered it. Seasonal winds had clogged the air with dust and sand. Through the haze, I could see several airplanes crossing the Niger River (over the Foin F. Kennedy Bridge) the setting sun behind them. Most people had wrapped scarves around their faces to protect against the grit, leaving only their eyes visible. The next morning, I met with Ambassador Owens-Kirkpatrick at the embassy. For reasons that are understandable, the embassy staff has always kept a close eye on Niger's uranium business. I was not surprised, then, when the ambassador told me that she knew about the allegations of uranium sales to Iraq — and that she felt she had already debunked them in her reports to Washington. Nevertheless, she and I agreed that my time would be best spent interviewing people who had been in government when

the deal supposedly took place, which was before her arrival.

I spent the next eight days drinking sweet mint tea and meeting with dozens of people: current government officials, former government officials, people associated with the country's uranium business. It did not take long to conclude that it was highly doubtful that any such transaction had ever taken place.

Given the structure of the consortium that operated the mines, it would be exceedingly difficult for Niger to transfer uranium to Iraq. Niger's uranium business consists of two mines, Sonair and Cominak, which are run by French, Spanish, Japanese, German and Nigerian interests. If the government wanted to remove uranium from a mine, it would have to notify the consortium, which in turn is strictly monitored by the International Atomic Energy Agency. Moreover, because the two mines are closely regulated, quasi-governmental entities, selling uranium would require the approval of the minister of mines, the prime minister, and probably the president. In short, there's simply too much oversight over too small an industry for a sale to have transpired.

(As for the actual memorandum, I never saw it. But news accounts have pointed out that the documents had glaring errors — they were signed by higher officials who were no longer in government — and were probably forged. And then there's the fact that Niger formally denied the charges.)

Before I left Niger, I briefed the ambassador on my findings, which were consistent with her own. I also shared my conclusions with members of her staff. In early March, I arrived in Washington and promptly provided a detailed briefing to the C.I.A. I later shared my conclusions with the State Department's African Affairs Bureau. Shattering in my report, just as there was nothing secret about my trip. Though I did not file a written report

there should be at least four documents in United States government archives confirming my mission. The documents should include the ambassador's report of my debriefing in Niamey, a separate report written by the embassy staff, a C.I.A. report summarizing my trip, and a specific answer from the agency to the office of the vice president (this may have been delivered orally) while I have not seen any of these reports. I have spent enough time in government to know that this is standard operating procedure.

I thought the Niger matter was settled and went back to my life. (I did take part in the Iraq debate arguing that a strict containment regime backed by the threat of force was preferable to an invasion.) In September 2002, however, Niger re-emerged. The British government published a "white paper" asserting that Saddam Hussein and his unconventional arms posed an immediate danger. As evidence, the report cited Iraq's attempts to purchase uranium from an African country.

The next day, I reminded a friend at the State Department of my trip and suggested that if the president had been referring to Niger, their conclusion was not borne out by the facts. Perhaps the president was speaking about one of the other three African countries that produce uranium: Gabon, South Africa or Namibia. At the time, I accepted the explanation. I didn't know that in December, a month before the president's address, the State Department had published a sheet that mentioned the Niger case. Those are the facts surrounding my efforts. The vice president's office asked a separate question: I was asked to help formulate the answer. I did so, and

I have every confidence that the answer I provided was circulated to appropriate officials within our government.

The question now is how that answer was or was not used by our political leadership. If my information was deemed inaccurate, I understand (though I would be very interested to know why). If, however, the information was ignored because it did not fit certain preconceptions about Iraq, then a legitimate argument can be made that we went to war under false pretenses. (It's worth remembering that in his March "Meet the Press" appearance, Mr. Cheney said that Saddam Hussein was "trying to get together to produce nuclear weapons.") At a minimum, Congress, which authorized the use of military force at the president's behest, should want to know if the assertions about Iraq were warranted.

I was convinced before the war that the threat of weapons of mass destruction in the hands of Saddam Hussein required a vigorous and sustained international response to disarm him. Iraq possessed and had used chemical weapons; it had an active biological weapons program and quite possibly a nuclear research program — all of which were in violation of United Nations resolutions. Having encountered Mr. Hussein and his thugs in the run-up to the Persian Gulf war of 1991, I was only too aware of the dangers he posed.

But were these dangers the same ones the administration told us about? We have to find out. America's foreign policy depends on the quality of its information. For this reason, questioning the selective use of intelligence to justify the war in Iraq is neither idle sniping nor "revisionist history," as Mr. Bush has suggested. The act of war is the destruction of a democracy taken when there is a grave threat to our national security. More than 200 American soldiers have lost their lives in Iraq already. We have a duty to ensure that their sacrifice came for the right reasons.

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Exhibit B

The New York Times May 6, 2003 Tuesday

1 of 1 DOCUMENT

Copyright 2003 The New York Times Company
The New York Times

May 6, 2003 Tuesday
Late Edition - Final

SECTION: Section A; Column 1; Editorial Desk; Pg. 31

LENGTH: 726 words

HEADLINE: Missing In Action: Truth

BYLINE: By NICHOLAS D. KRISTOF; E-mail: nicholas@nytimes.com

BODY:

When I raised the Mystery of the Missing W.M.D. recently, hawks fired barrages of reproachful e-mail at me. The gist was: "You *&#! Who cares if we never find weapons of mass destruction, because we've liberated the Iraqi people from a murderous tyrant."

But it does matter, enormously, for American credibility. After all, as Ari Fleischer said on April 10 about W.M.D.: "That is what this war was about."

I rejoice in the newfound freedoms in Iraq. But there are indications that the U.S. government souped up intelligence, leaned on spooks to change their conclusions and concealed contrary information to deceive people at home and around the world.

Let's fervently hope that tomorrow we find an Iraqi superdome filled with 500 tons of mustard gas and nerve gas, 25,000 liters of anthrax, 38,000 liters of botulinum toxin, 29,984 prohibited munitions capable of delivering chemical agents, several dozen Scud missiles, gas centrifuges to enrich uranium, 18 mobile biological warfare factories, long-range unmanned aerial vehicles to dispense anthrax, and proof of close ties with Al Qaeda. Those are the things that President Bush or his aides suggested Iraq might have, and I don't want to believe that top administration officials tried to win support for the war with a campaign of wholesale deceit.

Consider the now-disproved claims by President Bush and Colin Powell that Iraq tried to buy uranium from Niger so it could build nuclear weapons. As Seymour Hersh noted in *The New Yorker*, the claims were based on documents that had been forged so amateurishly that they should never have been taken seriously.

I'm told by a person involved in the Niger caper that more than a year ago the vice president's office asked for an investigation of the uranium deal, so a former U.S. ambassador to Africa was dispatched to Niger. In February 2002, according to someone present at the meetings, that envoy reported to the C.I.A. and State Department that the information was unequivocally wrong and that the documents had been forged.

The envoy reported, for example, that a Niger minister whose signature was on one of the documents had in fact been out of office for more than a decade. In addition, the Niger mining program was structured so that the uranium diversion had been impossible. The envoy's debunking of the forgery was passed around the administration and seemed to be accepted -- except that President Bush and the State Department kept citing it anyway.

"It's disingenuous for the State Department people to say they were bamboozled because they knew about this for a year," one insider said.

Another example is the abuse of intelligence from Hussein Kamel, a son-in-law of Saddam Hussein and head of

The New York Times May 6, 2003 Tuesday

Iraq's biological weapons program until his defection in 1995. Top British and American officials kept citing information from Mr. Kamel as evidence of a huge secret Iraqi program, even though Mr. Kamel had actually emphasized that Iraq had mostly given up its W.M.D. program in the early 1990's. Glen Rangwala, a British Iraq expert, says the transcript of Mr. Kamel's debriefing was leaked because insiders resented the way politicians were misleading the public.

Patrick Lang, a former head of Middle Eastern affairs in the Defense Intelligence Agency, says that he hears from those still in the intelligence world that when experts wrote reports that were skeptical about Iraq's W.M.D., "they were encouraged to think it over again."

"In this administration, the pressure to get product 'right' is coming out of O.S.D. the Office of the Secretary of Defense," Mr. Lang said. He added that intelligence experts had cautioned that Iraqis would not necessarily line up to cheer U.S. troops and that the Shiite clergy could be a problem. "The guys who tried to tell them that came to understand that this advice was not welcome," he said.

"The intelligence that our officials was given regarding W.M.D. was either defective or manipulated," Senator Jeff Bingaman of New Mexico noted. Another senator is even more blunt and, sadly, exactly right: "Intelligence was manipulated."

The C.I.A. was terribly damaged when William Casey, its director in the Reagan era, manipulated intelligence to exaggerate the Soviet threat in Central America to whip up support for Ronald Reagan's policies. Now something is again rotten in the state of Spookdom.

URL: <http://www.nytimes.com>

LOAD-DATE: May 6, 2003

Exhibit C

The Washington Post June 12, 2003 Thursday

1 of 1 DOCUMENT

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The Washington Post

June 12, 2003 Thursday
Final Edition

SECTION: A SECTION; Pg. A01

LENGTH: 1381 words

HEADLINE: CIA Did Not Share Doubt on Iraq Data;
Bush Used Report Of Uranium Bid

BYLINE: Walter Pincus, Washington Post Staff Writer

BODY:

A key component of President Bush's claim in his State of the Union address last January that Iraq had an active nuclear weapons program -- its alleged attempt to buy uranium in Niger -- was disputed by a CIA-directed mission to the central African nation in early 2002, according to senior administration officials and a former government official. But the CIA did not pass on the detailed results of its investigation to the White House or other government agencies, the officials said.

The CIA's failure to share what it knew, which has not been disclosed previously, was one of a number of steps in the Bush administration that helped keep the uranium story alive until the eve of the war in Iraq, when the United Nations' chief nuclear inspector told the Security Council that the claim was based on fabricated evidence.

A senior intelligence official said the CIA's action was the result of "extremely sloppy" handling of a central piece of evidence in the administration's case against then-Iraqi President Saddam Hussein. But, the official added, "It is only one fact and not the reason we went to war. There was a lot more."

However, a senior CIA analyst said the case "is indicative of larger problems" involving the handling of intelligence about Iraq's alleged chemical, biological and nuclear weapons programs and its links to al Qaeda, which the administration cited as justification for war. "Information not consistent with the administration agenda was discarded and information that was [consistent] was not seriously scrutinized," the analyst said.

As the controversy over Iraq intelligence has expanded with the failure so far of U.S. teams in Iraq to uncover proscribed weapons, intelligence officials have accused senior administration policymakers of pressuring the CIA or exaggerating intelligence information to make the case for war. The story involving the CIA's uranium-purchase probe, however, suggests that the agency also was shaping intelligence on Iraq to meet the administration's policy goals.

Sen. Bob Graham (D-Fla.), former chairman of the Select Committee on Intelligence and a candidate for president, yesterday described the case as "part of the agency's standard operating procedure when it wants to advance the information that supported their [the administration's] position and bury that which didn't."

Armed with information purportedly showing that Iraqi officials had been seeking to buy uranium in Niger one or two years earlier, the CIA in early February 2002 dispatched a retired U.S. ambassador to the country to investigate the claims, according to the senior U.S. officials and the former government official, who is familiar with the event. The sources spoke on condition of anonymity and on condition that the name of the former ambassador not be disclosed.

During his trip, the CIA's envoy spoke with the president of Niger and other Niger officials mentioned as being

The Washington Post June 12, 2003 Thursday

involved in the Iraqi effort, some of whose signatures purportedly appeared on the documents.

After returning to the United States, the envoy reported to the CIA that the uranium-purchase story was false, the sources said. Among the envoy's conclusions was that the documents may have been forged because the "dates were wrong and the names were wrong," the former U.S. government official said.

However, the CIA did not include details of the former ambassador's report and his identity as the source, which would have added to the credibility of his findings, in its intelligence reports that were shared with other government agencies. Instead, the CIA only said that Niger government officials had denied the attempted deal had taken place, a senior administration said.

"This gent made a visit to the region and chatted up his friends," a senior intelligence official said, describing the agency's view of the mission. "He relayed back to us that they said it was not true and that he believed them."

Thirteen months later, on March 8, Mohamed ElBaradei, director general of the International Atomic Energy Agency, informed the U.N. Security Council that after careful scrutiny of the Niger documents, his agency had reached the same conclusion as the CIA's envoy. ElBaradei deemed the documents "not authentic," an assessment that U.S. officials did not dispute.

Knowledgeable sources familiar with the forgery investigation have described the faked evidence as a series of letters between Iraqi agents and officials in Niger. The documents had been sought by U.N. inspectors since September 2002 and they were delivered by the United States and Britain last February.

The President's Foreign Intelligence Advisory Board, a panel of nongovernment experts that is reviewing the handling of Iraq intelligence, is planning to study the Niger story and how it made its way into Bush's State of the Union address on Jan. 28. In making the case that Iraq had an ongoing nuclear weapons program, Bush declared that "the British government has learned that Saddam Hussein recently sought significant quantities of uranium from Africa."

That same month, Defense Secretary Donald H. Rumsfeld and national security adviser Condoleezza Rice also mentioned Iraq's alleged attempts to buy uranium, and the story made its way into a State Department "fact sheet" as well.

Rep. Henry A. Waxman (Calif.), the ranking Democrat on the Government Reform Committee and a leading administration critic, wrote the president June 2 asking why Bush had included the Niger case as part of the evidence he cited against Iraq. "Given what the CIA knew at the time, the implication you intended -- that there was credible evidence that Iraq sought uranium from Africa -- was simply false," Waxman said.

The CIA's decision to send an emissary to Niger was triggered by questions raised by an aide to Vice President Cheney during an agency briefing on intelligence circulating about the purported Iraqi efforts to acquire the uranium, according to the senior officials. Cheney's staff was not told at the time that its concerns had been the impetus for a CIA mission and did not learn it occurred or its specific results.

Cheney and his staff continued to get intelligence on the matter, but the vice president, unlike other senior administration officials, never mentioned it in a public speech. He and his staff did not learn of its role in spurring the mission until it was disclosed by New York Times columnist Nicholas Kristof on May 6, according to an administration official.

When the British government published an intelligence document on Iraq in September 2002 claiming that Baghdad had "sought significant quantities of uranium from Africa," the former ambassador called the CIA officers who sent him to Niger and was told they were looking into new information about the claim, sources said. The former envoy later called the CIA and State Department after Bush's State of the Union speech and was told "not to worry," according to one U.S. official.

Later it was disclosed that the United States and Britain were basing their reports on common information that originated with forged documents provided originally by Italian intelligence officials.

CIA Director George J. Tenet, on Sept. 24, 2002, cited the Niger evidence in a closed-door briefing to the Senate intelligence committee on a national intelligence estimate of Iraq's weapons programs, sources said. Although Tenet told the panel that some questions had been raised about the evidence, he did not mention that the agency had sent an envoy to Niger and that the former ambassador had concluded that the claims were false.

The Washington Post June 12, 2003 Thursday

The Niger evidence was not included in Secretary of State Colin L. Powell's Feb. 5 address to the Security Council in which he disclosed some intelligence on Iraq's alleged weapons programs and links to al Qaeda because it was considered inaccurate, sources said.

Even so, the Voice of America on Feb. 20 broadcast a story that said: "U.S. officials tell VOA [that] Iraq and Niger signed an agreement in the summer of 2000 to resume shipments for an additional 500 tons of yellow cake," a reference to the uranium. The VOA, which is financed by the government but has an official policy of editorial independence, went on to say that there was no evidence such shipments had taken place.

LOAD-DATE: June 12, 2003

Exhibit D

The New Republic June 30, 2003

3 of 3 DOCUMENTS

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The New Republic

June 30, 2003

SECTION: Pg. 14

LENGTH: 7721 words

HEADLINE: The First Casualty

BYLINE: by spencer ackerman and john b. judis

HIGHLIGHT:
The selling of the Iraq war.

BODY:

Foreign policy is always difficult in a democracy. Democracy requires openness. Yet foreign policy requires a level of secrecy that frees it from oversight and exposes it to abuse. As a result, Republicans and Democrats have long held that the intelligence agencies--the most clandestine of foreign policy institutions--should be insulated from political interference in much the same way as the higher reaches of the judiciary. As the Tower Commission, established to investigate the Iran-Contra scandal, warned in November 1987, "The democratic processes ... are subverted when intelligence is manipulated to affect decisions by elected officials and the public."

If anything, this principle has grown even more important since September 11, 2001. The Iraq war presented the United States with a new defense paradigm: preemptive war, waged in response to a prediction of a forthcoming attack against the United States or its allies. This kind of security policy requires the public to base its support or opposition on expert intelligence to which it has no direct access. It is up to the president and his administration--with a deep interest in a given policy outcome--nonetheless to portray the intelligence community's findings honestly. If an administration represents the intelligence unfairly, it effectively forecloses an informed choice about the most important question a nation faces: whether or not to go to war. That is exactly what the Bush administration did when it sought to convince the public and Congress that the United States should go to war with Iraq.

From late August 2002 to mid-March of this year, the Bush administration made its case for war by focusing on the threat posed to the United States by Saddam Hussein's nuclear, chemical, and biological weapons and by his purported links to the Al Qaeda terrorist network. Officials conjured up images of Iraqi mushroom clouds over U.S. cities and of Saddam transferring to Osama bin Laden chemical and biological weapons that could be used to create new and more lethal September elevenths. In Nashville on August 26, 2002, Vice President Dick Cheney warned of a Saddam "armed with an arsenal of these weapons of terror" who could "directly threaten America's friends throughout the region and subject the United States or any other nation to nuclear blackmail." In Washington on September 26, Secretary of Defense Donald Rumsfeld claimed he had "bulletproof" evidence of ties between Saddam and Al Qaeda. And, in Cincinnati on October 7, President George W. Bush warned, "The Iraqi dictator must not be permitted to threaten America and the world with horrible poisons and diseases and gases and atomic weapons." Citing Saddam's association with Al Qaeda, the president added that this "alliance with terrorists could allow the Iraqi regime to attack America without leaving any fingerprints."

Yet there was no consensus within the American intelligence community that Saddam represented such a grave and imminent threat. Rather, interviews with current and former intelligence officials and other experts reveal that the Bush administration culled from U.S. intelligence those assessments that supported its position and omitted those that did not.

The New Republic June 30, 2003

The administration ignored, and even suppressed, disagreement within the intelligence agencies and pressured the CIA to reaffirm its preferred version of the Iraqi threat. Similarly, it stonewalled, and sought to discredit, international weapons inspectors when their findings threatened to undermine the case for war.

Three months after the invasion, the United States may yet discover the chemical and biological weapons that various governments and the United Nations have long believed Iraq possessed. But it is unlikely to find, as the Bush administration had repeatedly predicted, a reconstituted nuclear weapons program or evidence of joint exercises with Al Qaeda—the two most compelling security arguments for war. Whatever is found, what matters as far as American democracy is concerned is whether the administration gave Americans an honest and accurate account of what it knew. The evidence to date is that it did not, and the cost to U.S. democracy could be felt for years to come.

The Battle Over Intelligence

Fall 2001-Fall 2002

The Bush administration decided to go to war with Iraq in the late fall of 2001. At Camp David on the weekend after the September 11 attacks, Deputy Defense Secretary Paul Wolfowitz floated the idea that Iraq, with more than 20 years of inclusion on the State Department's terror-sponsor list, be held immediately accountable. In his memoir, speechwriter David Frum recounts that, in December, after the Afghanistan campaign against bin Laden and his Taliban sponsors, he was told to come up with a justification for war with Iraq to include in Bush's State of the Union address in January 2002. But, in selling the war to the American public during the next year, the Bush administration faced significant obstacles.

In the wake of September 11, 2001, many Americans had automatically associated Saddam's regime with Al Qaeda and enthusiastically backed an invasion. But, as the immediate horror of September 11 faded and the war in Afghanistan concluded successfully (and the economy turned downward), American enthusiasm diminished. By mid-August 2002, a Gallup poll showed support for war with Saddam at a post-September 11 low, with 53 percent in favor and 41 percent opposed—down from 61 percent to 31 percent just two months before. Elite opinion was also turning against war, not only among liberal Democrats but among former Republican officials, such as Brent Scowcroft and Lawrence Eagleburger. In Congress, even conservative Republicans such as Senate Majority Leader Trent Lott and House Majority Leader Dick Armey began to express doubts that war was justified. Armey declared on August 8, 2002, "If we try to act against Saddam Hussein, as obnoxious as he is, without proper provocation, we will not have the support of other nation-states who might do so."

Unbeknownst to the public, the administration faced equally serious opposition within its own intelligence agencies. At the CIA, many analysts and officials were skeptical that Iraq posed an imminent threat. In particular, they rejected a connection between Saddam and Al Qaeda. According to a New York Times report in February 2002, the CIA found "no evidence that Iraq has engaged in terrorist operations against the United States in nearly a decade, and the agency is also convinced that President Saddam Hussein has not provided chemical or biological weapons to Al Qaeda or related terrorist groups."

CIA analysts also generally endorsed the findings of the International Atomic Energy Agency (iaea), which concluded that, while serious questions remained about Iraq's nuclear program—many having to do with discrepancies in documentation—its present capabilities were virtually nil. The iaea possessed no evidence that Iraq was reconstituting its nuclear program and, it seems, neither did U.S. intelligence. In CIA Director George Tenet's January 2002 review of global weapons-technology proliferation, he did not even mention a nuclear threat from Iraq, though he did warn of one from North Korea. The review said only, "We believe that Iraq has probably continued at least low-level theoretical R&D (research and development) associated with its nuclear program." This vague determination didn't reflect any new evidence but merely the intelligence community's assumption that the Iraqi dictator remained interested in building nuclear weapons. Greg Thielmann, the former director for strategic proliferation and military affairs at the State Department's Bureau of Intelligence and Research (INR), tells The New Republic, "During the time that I was office director, 2000 to 2002, we never assessed that there was good evidence that Iraq was reconstituting or getting really serious about its nuclear weapons program."

The CIA and other intelligence agencies believed Iraq still possessed substantial stocks of chemical and biological weapons, but they were divided about whether Iraq was rebuilding its facilities and producing new weapons. The intelligence community's uncertainty was articulated in a classified report from the Defense Intelligence Agency (DIA) in September 2002. "A substantial amount of Iraq's chemical warfare agents, precursors, munitions, and production

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equipment were destroyed between 1991 and 1998 as a result of Operation Desert Storm and UNSCOM (United Nations Special Commission) actions," the agency reported. "There is no reliable information on whether Iraq is producing and stockpiling chemical weapons, or where Iraq has--or will--establish its chemical warfare agent production facilities."

Had the administration accurately depicted the consensus within the intelligence community in 2002--that Iraq's ties with Al Qaeda were inconsequential; that its nuclear weapons program was minimal at best; and that its chemical and biological weapons programs, which had yielded significant stocks of dangerous weapons in the past, may or may not have been ongoing--it would have had a very difficult time convincing Congress and the American public to support a war to disarm Saddam. But the Bush administration painted a very different, and far more frightening, picture. Representative Rush Holt, a New Jersey Democrat who ultimately voted against the war, says of his discussions with constituents, "When someone spoke of the need to invade, (they) invariably brought up the example of what would happen if one of our cities was struck. They clearly were convinced by the administration that Saddam Hussein-- either directly or through terrorist connections--could unleash massive destruction on an American city. And I presume that most of my colleagues heard the same thing back in their districts." One way the administration convinced the public was by badgering CIA Director Tenet into endorsing key elements of its case for war even when it required ignoring the classified findings of his and other intelligence agencies.

As a result of its failure to anticipate the September 11 attacks, the CIA, and Tenet in particular, were under almost continual attack in the fall of 2001. Congressional leaders, including Richard Shelby, the ranking Republican on the Senate Intelligence Committee, wanted Tenet to resign. But Bush kept Tenet in his job, and, within the administration, Tenet and the CIA came under an entirely different kind of pressure: Iraq hawks in the Pentagon and in the vice president's office, reinforced by members of the Pentagon's semiofficial Defense Policy Board, mounted a year-long attempt to pressure the CIA to take a harder line against Iraq--whether on its ties with Al Qaeda or on the status of its nuclear program.

A particular bone of contention was the CIA's analysis of the ties between Saddam and Al Qaeda. In the immediate aftermath of September 11, former CIA Director James Woolsey, a member of the Defense Policy Board who backed an invasion of Iraq, put forth the theory--in this magazine and elsewhere--that Saddam was connected to the World Trade Center attacks. In September 2001, the Bush administration flew Woolsey to London to gather evidence to back up his theory, which had the support of Wolfowitz and Richard Perle, then the Defense Policy Board chairman. While Wolfowitz and Perle had their own long-standing and complex reasons for wanting to go to war with Iraq, they and other administration officials believed that, if they could tie Saddam to Al Qaeda, they could justify the war to the American people. As a veteran aide to the Senate Intelligence Committee observes, "They knew that, if they could really show a link between Saddam Hussein and Al Qaeda, then their objective, ... which was go in and get rid of Hussein, would have been a foregone conclusion."

But this theory immediately encountered resistance from the CIA and other intelligence agencies. Woolsey's main piece of evidence for a link between Saddam and Al Qaeda was a meeting that was supposed to have taken place in Prague in April 2001 between lead September 11 hijacker Mohamed Atta and an Iraqi intelligence official. But none of the intelligence agencies could place Atta in Prague on that date. (Indeed, receipts and other travel documents placed him in the United States.) An investigation by Czech officials dismissed the claim, which was based on a single unreliable witness. The CIA was also receiving other information that rebutted a link between Iraq and Al Qaeda. After top Al Qaeda leader Abu Zubaydah was captured in March 2002, he was debriefed by the CIA, and the results were widely circulated in the intelligence community. As The New York Times reported, Zubaydah told his captors that bin Laden himself rejected any alliance with Saddam. "I remember reading the Abu Zubaydah debriefing last year, while the administration was talking about all of these other reports (of a Saddam-Al Qaeda link), and thinking that they were only putting out what they wanted," a CIA official told the paper. Zubaydah's story, which intelligence analysts generally consider credible, has since been corroborated by additional high-ranking Al Qaeda terrorists now in U.S. custody, including Ramzi bin Al Shihb and September 11 architect Khalid Shaikh Mohammed.

Facing resistance from the CIA, administration officials began a campaign to pressure the agency to toe the line. Perle and other members of the Defense Policy Board, who acted as quasi-independent surrogates for Wolfowitz, Cheney, and other administration advocates for war in Iraq, harshly criticized the CIA in the press. The CIA's analysis of Iraq, Perle said, "isn't worth the paper it is written on." In the summer of 2002, Vice President Cheney made several visits to the CIA's Langley headquarters, which were understood within the agency as an attempt to pressure the low-level specialists interpreting the raw intelligence. "That would freak people out," says one former CIA official. "It is

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supposed to be an ivory tower. And that kind of pressure would be enormous on these young guys."

But the Pentagon found an even more effective way to pressure the agency. In October 2001, Wolfowitz, Rumsfeld, and Undersecretary of Defense for Policy Douglas Feith set up a special intelligence operation in the Pentagon to "think through how the various terrorist organizations relate to each other and ... state sponsors," in Feith's description. Their approach echoed the "Team B" strategy that conservatives had used in the past: establishing a separate entity to offer alternative intelligence analyses to the CIA. Conservatives had done this in 1976, criticizing and intimidating the agency over its estimates of Soviet military strength, and again in 1998, arguing for the necessity of missile defense. (Wolfowitz had participated in both projects; the latter was run by Rumsfeld.) This time, the new entity--headed by Perle protege Abram Shulsky-- reassessed intelligence already collected by the CIA along with information from Iraqi defectors and, as Feith remarked coyly at a press conference earlier this month, "came up with some interesting observations about the linkages between Iraq and Al Qaeda." In August 2002, Feith brought the unit to Langley to brief the CIA about its findings. If the separate intelligence unit wasn't enough to challenge the CIA, Rumsfeld also began publicly discussing the creation of a new Pentagon position, an undersecretary for intelligence, who would rival the CIA director and diminish the authority of the agency.

In its classified reports, the CIA didn't diverge from its initial skepticism about the ties between Al Qaeda and Saddam. But, under pressure from his critics, Tenet began to make subtle concessions. In March 2002, Tenet told the Senate Armed Services Committee that the Iraqi regime "had contacts with Al Qaeda" but declined to elaborate. He would make similar ambiguous statements during the congressional debate over war with Iraq.

The intelligence community was also pressured to exaggerate Iraq's nuclear program. As Tenet's early 2002 threat assessments had indicated, U.S. intelligence showed precious little evidence to indicate a resumption of Iraq's nuclear program. And, while the absence of U.N. inspections had introduced greater uncertainty into intelligence collection on Iraq, according to one analyst, "We still knew enough, \$(and\$) we could watch pretty closely what was happening."

These judgments were tested in the spring of 2002, when intelligence reports began to indicate that Iraq was trying to procure a kind of high-strength aluminum tube. Some analysts from the CIA and DIA quickly came to the conclusion that the tubes were intended to enrich uranium for a nuclear weapon through the kind of gas-centrifuge project Iraq had built before the first Gulf war. This interpretation seemed plausible enough at first, but over time analysts at the State Department's INR and the Department of Energy (DOE) grew troubled. The tubes' thick walls and particular diameter made them a poor fit for uranium enrichment, even after modification. That determination, according to the INR's Thielmann, came from weeks of interviews with "the nation's experts on the subject, ... they're the ones that have the labs, like Oak Ridge National Laboratory, where people really know the science and technology of enriching uranium." Such careful study led the INR and the DOE to an alternative analysis: that the specifications of the tubes made them far better suited for artillery rockets. British intelligence experts studying the issue concurred, as did some CIA analysts.

But top officials at the CIA and DIA did not. As the weeks dragged on, more and more high-level intelligence officials attended increasingly heated interagency bull sessions. And the CIA-DIA position became further and further entrenched. "They clung so tenaciously to this point of view about it being a nuclear weapons program when the evidence just became clearer and clearer over time that it wasn't the case," recalls a participant. David Albright of the Institute for Science and International Security, who had been asked to provide the administration with information on past Iraqi procurements, noticed an anomaly in how the intelligence community was handling the issue. "I was told that this dispute had not been mediated by a competent, impartial technical committee, as it should have been according to accepted practice," he wrote on his organization's website this March. By September 2002, when the intelligence agencies were preparing a joint National Intelligence Estimate (NIE) on Saddam's weapons of mass destruction, top CIA officials insisted their opinion prevail. Says Thielmann, "Because the CIA is also the head of the entire U.S. intelligence community, it becomes very hard not to have the ultimate judgment being the CIA's judgment, rather than who in the intelligence community is most expert on the issue."

By the fall of 2002, when public debate over the war really began, the administration had created consternation in the intelligence agencies. The press was filled for the next two months with quotes from CIA officials and analysts complaining of pressure from the administration to toe the line on Iraq. Says one former staff member of the Senate Intelligence Committee, "People \$(kept\$) telling you first that things weren't right, weird things going on, different people saying, 'There's so much pressure, you know, they keep telling us, go back and find the right answer,' things like that." For the most part, this pressure was not reflected in the CIA's classified reports, but it would become increasingly evident in the agency's declassified statements and in public statements by Tenet. The administration hadn't won an

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outright endorsement of its analysis of the Iraqi threat, but it had undermined and intimidated its potential critics in the intelligence community.

The Battle in Congress

Fall 2002

The administration used the anniversary of September 11, 2001, to launch its public campaign for a congressional resolution endorsing war, with or without U.N. support, against Saddam. The opening salvo came on the Sunday before the anniversary in the form of a leak to Judith Miller and Michael R. Gordon of The New York Times regarding the aluminum tubes. Miller and Gordon reported that, according to administration officials, Iraq had been trying to buy tubes specifically designed as "components of centrifuges to enrich uranium" for nuclear weapons. That same day, Cheney, Rumsfeld, and national security adviser Condoleezza Rice appeared on the political talk shows to trumpet the discovery of the tubes and the Iraqi nuclear threat. Explained Rice, "There will always be some uncertainty about how quickly \$(Saddam\$) can acquire nuclear weapons. But we don't want the smoking gun to be a mushroom cloud." Rumsfeld added, "Imagine a September eleventh with weapons of mass destruction. It's not three thousand--it's tens of thousands of innocent men, women, and children."

Many of the intelligence analysts who had participated in the aluminum-tubes debate were appalled. One described the feeling to *tnr*: "You had senior American officials like Condoleezza Rice saying the only use of this aluminum really is uranium centrifuges. She said that on television. And that's just a lie." Albright, of the Institute for Science and International Security, recalled, "I became dismayed when a knowledgeable government scientist told me that the administration could say anything it wanted about the tubes while government scientists who disagreed were expected to remain quiet." As Thielmann puts it, "There was a lot of evidence about the Iraqi chemical and biological weapons programs to be concerned about. Why couldn't we just be honest about that without hyping the nuclear account? Making the case for active pursuit of nuclear weapons makes it look like the administration was trying to scare the American people about how dangerous Iraq was and how it posed an imminent security threat to the United States."

In speeches and interviews, administration officials also warned of the connection between Saddam and Al Qaeda. On September 25, 2002, Rice insisted, "There clearly are contacts between Al Qaeda and Iraq. ... There clearly is testimony that some of the contacts have been important contacts and that there's a relationship there." On the same day, President Bush warned of the danger that "Al Qaeda becomes an extension of Saddam's madness." Rice, like Rumsfeld--who the next day would call evidence of a Saddam-bin Laden link "bulletproof"--said she could not share the administration's evidence with the public without endangering intelligence sources. But Bob Graham, the Florida Democrat who chaired the Senate Intelligence Committee, disagreed. On September 27, Paul Anderson, a spokesman for Graham, told USA Today that the senator had seen nothing in the CIA's classified reports that established a link between Saddam and Al Qaeda.

The Senate Intelligence Committee, in fact, was the greatest congressional obstacle to the administration's push for war. Under the lead of Graham and Illinois Senator Richard Durbin, the committee enjoyed respect and deference in the Senate and the House, and its members could speak authoritatively, based on their access to classified information, about whether Iraq was developing nuclear weapons or had ties to Al Qaeda. And, in this case, the classified information available to the committee did not support the public pronouncements being made by the CIA.

In the late summer of 2002, Graham had requested from Tenet an analysis of the Iraqi threat. According to knowledgeable sources, he received a 25-page classified response reflecting the balanced view that had prevailed earlier among the intelligence agencies--noting, for example, that evidence of an Iraqi nuclear program or a link to Al Qaeda was inconclusive. Early that September, the committee also received the DIA's classified analysis, which reflected the same cautious assessments. But committee members became worried when, midway through the month, they received a new CIA analysis of the threat that highlighted the Bush administration's claims and consigned skepticism to footnotes. According to one congressional staffer who read the document, it highlighted "extensive Iraqi chem-bio programs and nuclear programs and links to terrorism" but then included a footnote that read, "This information comes from a source known to fabricate in the past." The staffer concluded that "they didn't do analysis. What they did was they just amassed everything they could that said anything bad about Iraq and put it into a document."

Graham and Durbin had been demanding for more than a month that the CIA produce an NIE on the Iraqi threat--a summary of the available intelligence, reflecting the judgment of the entire intelligence community--and toward the end of September, it was delivered. Like Tenet's earlier letter, the classified NIE was balanced in its assessments. Graham

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called on Tenet to produce a declassified version of the report that could guide members in voting on the resolution. Graham and Durbin both hoped the declassified report would rebut the kinds of overheated claims they were hearing from administration spokespeople. As Durbin tells us, "The most frustrating thing I find is when you have credible evidence on the intelligence committee that is directly contradictory to statements made by the administration."

On October 1, 2002, Tenet produced a declassified NIE. But Graham and Durbin were outraged to find that it omitted the qualifications and countervailing evidence that had characterized the classified version and played up the claims that strengthened the administration's case for war. For instance, the intelligence report cited the much-disputed aluminum tubes as evidence that Saddam "remains intent on acquiring" nuclear weapons. And it claimed, "All intelligence experts agree that Iraq is seeking nuclear weapons and that these tubes could be used in a centrifuge enrichment program"--a blatant mischaracterization. Subsequently, the NIE allowed that "some" experts might disagree but insisted that "most" did not, never mentioning that the DOE's expert analysts had determined the tubes were not suitable for a nuclear weapons program. The NIE also said that Iraq had "begun renewed production of chemical warfare agents"--which the DIA report had left pointedly in doubt. Graham demanded that the CIA declassify dissenting portions.

In response, Tenet produced a single-page letter. It satisfied one of Graham's requests: It included a statement that there was a "low" likelihood of Iraq launching an unprovoked attack on the United States. But it also contained a sop to the administration, stating without qualification that the CIA had "solid reporting of senior-level contacts between Iraq and al-Qaeda going back a decade." Graham demanded that Tenet declassify more of the report, and Tenet promised to fax over additional material. But, later that evening, Graham received a call from the CIA, informing him that the White House had ordered Tenet not to release anything more.

That same evening, October 7, 2002, Bush gave a major speech in Cincinnati defending the resolution now before Congress and laying out the case for war. Bush's speech brought together all the misinformation and exaggeration that the White House had been disseminating that fall. "The evidence indicates that Iraq is reconstituting its nuclear weapons program," the president declared. "Iraq has attempted to purchase high-strength aluminum tubes and other equipment needed for gas centrifuges, which are used to enrich uranium for nuclear weapons." Bush also argued that, through its ties to Al Qaeda, Iraq would be able to use biological and chemical weapons against the United States. "Iraq could decide on any given day to provide a biological or chemical weapon to a terrorist group or individual terrorists," he warned. If Iraq had to deliver these weapons on its own, Bush said, Iraq could use the new unmanned aerial vehicles (UAVs) that it was developing. "We have also discovered through intelligence that Iraq has a growing fleet of manned and unmanned aerial vehicles that could be used to disperse chemical or biological weapons across broad areas," he said. "We are concerned that Iraq is exploring ways of using these UAVs for missions targeting the United States." This claim represented the height of absurdity. Iraq's UAVs had ranges of, at most, 300 miles. They could not make the flight from Baghdad to Tel Aviv, let alone to New York.

After the speech, when reporters pointed out that Bush's warning of an imminent threat was contradicted by Tenet's statement the same day that there was little likelihood of an Iraqi attack, Tenet dutifully offered a clarification, explaining that there was "no inconsistency" between the president's statement and his own and that he had personally fact-checked the president's speech. He also issued a public statement that read, "There is no question that the likelihood of Saddam using weapons of mass destruction against the United States or our allies ... grows as his arsenal continues to build."

Five of the nine Democrats on the Senate Intelligence Committee, including Graham and Durbin, ultimately voted against the resolution, but they were unable to convince other committee members or a majority in the Senate itself. This was at least in part because they were not allowed to divulge what they knew: While Graham and Durbin could complain that the administration's and Tenet's own statements contradicted the classified reports they had read, they could not say what was actually in those reports.

Bush, meanwhile, had no compunction about claiming that the "evidence indicates Iraq is reconstituting its nuclear weapons program." In the words of one former Intelligence Committee staffer, "He is the president of the United States. And, when the president of the United States says, 'My advisers and I have sat down, and we've read the intelligence, and we believe there is a tie between Iraq and Al Qaeda,' ... you take it seriously. It carries a huge amount of weight." Public opinion bears the former staffer out. By November 2002, a Gallup poll showed 59 percent in favor of an invasion and only 35 percent against. In a December Los Angeles Times poll, Americans thought, by a 90 percent to 7 percent margin, that Saddam was "currently developing weapons of mass destruction." And, in an ABC/Washington Post poll,

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81 percent thought Iraq posed a threat to the United States. The Bush administration had won the domestic debate over Iraq--and it had done so by withholding from the public details that would have undermined its case for war.

The Battle With the Inspectors

Winter-Spring 2003

By January 2003, American troops were massing on Iraq's borders, and the U.N. Security Council had unanimously approved Resolution 1441, which afforded Saddam a "final opportunity" to disarm verifiably. The return of U.N. inspectors to Iraq after four years had raised hopes both in the United States and abroad that the conflict could be resolved peacefully. On January 20, French Foreign Minister Dominique de Villepin launched a surprise attack on the administration's war plans, declaring bluntly, "Nothing today justifies envisaging military action." Nor was this sentiment exclusively French: By mid-January, Gallup showed that American support for the impending war had narrowed to 52 percent in favor of war and 43 percent opposed. Equally important, most of the nations that had backed Resolution 1441 were warning the United States not to rush into war, and Germany, which opposed military action, was to assume the chair of the Security Council in February, on the eve of the planned invasion.

In his State of the Union address on January 28, 2003, Bush introduced a new piece of evidence to show that Iraq was developing a nuclear arms program: "The British government has learned that Saddam Hussein recently sought significant quantities of uranium from Africa. ... Saddam Hussein has not credibly explained these activities. He clearly has much to hide."

One year earlier, Cheney's office had received from the British, via the Italians, documents purporting to show Iraq's purchase of uranium from Niger. Cheney had given the information to the CIA, which in turn asked a prominent diplomat, who had served as ambassador to three African countries, to investigate. He returned after a visit to Niger in February 2002 and reported to the State Department and the CIA that the documents were forgeries. The CIA circulated the ambassador's report to the vice president's office, the ambassador confirms to tnr. But, after a British dossier was released in September detailing the purported uranium purchase, administration officials began citing it anyway, culminating in its inclusion in the State of the Union. "They knew the Niger story was a flat-out lie," the former ambassador tells tnr. "They were unpersuasive about aluminum tubes and added this to make their case more persuasive."

On February 5, Secretary of State Colin Powell took the administration's case to the Security Council. Powell's presentation was by far the most impressive the administration would make--according to U.S. News and World Report, he junked much of what the CIA had given him to read, calling it "bullshit"--but it was still based on a hyped and incomplete view of U.S. intelligence on Iraq. Much of what was new in Powell's speech was raw data that had come into the CIA's possession but had not yet undergone serious analysis. In addition to rehashing the aluminum-tube claims, Powell charged, for instance, that Iraq was trying to obtain magnets for uranium enrichment. Powell also described a "potentially ... sinister nexus between Iraq and the Al Qaeda terrorist network, a nexus that combines classic terrorist organizations and modern methods of murder." But Powell's evidence consisted of tenuous ties between Baghdad and an Al Qaeda leader, Abu Musab Al Zarqawi, who had allegedly received medical treatment in Baghdad and who, according to Powell, operated a training camp in Iraq specializing in poisons. Unfortunately for Powell's thesis, the camp was located in northern Iraq, an area controlled by the Kurds rather than Saddam and policed by U.S. and British warplanes. One Hill staffer familiar with the classified documents on Al Qaeda tells tnr, "So why would that be proof of some Iraqi government connection to Al Qaeda? \$(It\$) might as well be in Iran."

But, by the time Powell made his speech, the administration had stopped worrying about possible rebukes from U.S. intelligence agencies. On the contrary, Tenet sat directly behind Powell as he gave his presentation. And, with the GOP takeover of the Senate, the Intelligence Committee had passed into the hands of a docile Republican chairman, Pat Roberts of Kansas.

As Powell cited U.S. intelligence supporting his claim of a reconstituted nuclear weapons program in Iraq, Jacques Baute listened intently. Baute, the head of the iaea's Iraq inspections unit, had been pestering the U.S. and British governments for months to share their intelligence with his office. Despite repeated assurances of cooperation, tnr has learned that Baute's office received nothing until the day before Powell's presentation, when the U.S. mission in Vienna provided the iaea with an oral briefing while Baute was en route to New York, leaving no printed material with the nuclear inspectors. As iaea officials recount, an astonished Baute told his aides, "That won't do. I want the actual documentary evidence." He had to register his complaints through a United Nations Monitoring, Verification, and

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Inspection Commission (unmovic) channel before receiving the documents the day Powell spoke. It was an incident that would characterize America's intelligence-sharing with the iaea.

After a few weeks of traveling back and forth between Baghdad and Vienna, Baute sat down with the dozen or so pages of U.S. intelligence on Saddam's supposed nuclear procurements--the aluminum tubes, the Niger uranium, and the magnets. In the course of a day, Baute determined, like the ambassador before him, that the Niger document was fraudulent. Though the "president" of Niger made reference to his powers under the constitution of 1965, Baute performed a quick Google search to learn that Niger's latest constitution was drafted in 1999. There were other obvious mistakes--improper letterhead, an obviously forged signature, a letter from a foreign minister who had not been in office for eleven years. Baute also made quick work of the aluminum tubes. He assembled a team of experts--two Americans, two Britons, and a German--with 120 years of collective experience with centrifuges. After reviewing tens of thousands of Iraqi transaction records and inspecting Iraqi front companies and military production facilities with the rest of the iaea unit, they concluded, according to a senior iaea official, that "all evidence points to that this is for the rockets"--the same conclusion reached by the State and Energy Departments. As for the magnets, the iaea cross-referenced Iraq's declarations with intelligence from various member states and determined that nothing in Iraq's magnet procurements "pointed to centrifuge enrichment," in the words of an iaea official with direct knowledge of the effort. Rather, the magnets were for projects as disparate as telephones and short-range missiles. Baute, who according to a senior iaea official was in "almost daily" contact with the American diplomatic mission in Vienna, was surprised at the weakness of the U.S. evidence. In one instance, Baute contacted the mission after discovering the Niger document forgeries and asked, as this official described it, "Can your people help me understand if I'm wrong? I'm not ready to close the book on this file. If you've got any other evidence that might be authentic, I need to see it, and I'll follow up." Eventually, a response came: The Americans and the British were not disputing the iaea's conclusions; no more evidence would be provided.

On March 7, iaea Director-General Mohammed ElBaradei delivered Baute's conclusions to the Security Council. But, although the United States conceded most of the iaea's inconvenient judgments behind closed doors, Vice President Cheney publicly assaulted the credibility of the organization and its director-general. "I think Mr. ElBaradei frankly is wrong," Cheney told Tim Russert on NBC's "Meet the Press" on March 16. "I think, if you look at the track record of the International Atomic Energy Agency and this kind of issue, especially where Iraq's concerned, they have consistently underestimated or missed what it was Saddam Hussein was doing. I don't have any reason to believe they're any more valid this time than they've been in the past." Incredibly, Cheney added, "We believe \$(Saddam\$) has, in fact, reconstituted nuclear weapons."

Cheney was correct that the iaea had failed to uncover Iraq's covert uranium-enrichment program prior to the Gulf war. But, before the war, the iaea was not charged with playing the role of a nuclear Interpol. Rather, until the passage of Resolution 687 in 1991, the iaea was merely supposed to review the disclosures of member states in the field of nuclear development to ensure compliance with the Nuclear Non-Proliferation Treaty. By contrast, in the '90s, the iaea mounted more than 1,000 inspections in Iraq, mostly without advance warning; sealed, expropriated, or destroyed tons of nuclear material; and destroyed thousands of square feet of nuclear facilities. In fact, its activities formed the baseline for virtually every intelligence assessment regarding Iraq's nuclear weapons program.

Unmovic Chairman Hans Blix received similar treatment from American officials--even though he repeatedly told the Security Council that the Iraqis had yet to account for the chemical and biological weapons they had once possessed, a position that strengthened the U.S. case for war. According to The Washington Post, in early 2002 Wolfowitz ordered a CIA report on Blix. When the report didn't contain damning details, Wolfowitz reportedly "hit the ceiling." And, as the inspections were to begin, Perle said, "If it were up to me, on the strength of his previous record, I wouldn't have chosen Hans Blix." In his February presentation, Powell suggested that Blix had ignored evidence of Iraqi chemical and biological weapons production. After stalling for months, the United States finally shared some of its intelligence with unmovic. But, according to unmovic officials, none of the intelligence it received yielded any incriminating discoveries.

Aftermath

"What we must not do in the face of a mortal threat," Cheney instructed a Nashville gathering of the Veterans of Foreign Wars in August 2002, "is give in to wishful thinking or willful blindness." Cheney's admonition is resonant, but not for the reasons he intended. The Bush administration displayed an acute case of willful blindness in making its case for war. Much of its evidence for a reconstituted nuclear program, a thriving chemical-biological development program, and an active Iraqi link with Al Qaeda was based on what intelligence analysts call "rumint." Says one former official

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with the National Security Council, "It was a classic case of rumint, rumor-intelligence plugged into various speeches and accepted as gospel."

In some cases, the administration may have deliberately lied. If Bush didn't know the purported uranium deal between Iraq and Niger was a hoax, plenty of people in his administration did—including, possibly, Vice President Cheney, who would have seen the president's State of the Union address before it was delivered. Rice and Rumsfeld also must have known that the aluminum tubes that they presented as proof of Iraq's nuclear ambitions were discounted by prominent intelligence experts. And, while a few administration officials may have genuinely believed that there was a strong connection between Al Qaeda and Saddam Hussein, most probably knew they were constructing castles out of sand.

The Bush administration took office pledging to restore "honor and dignity" to the White House. And it's true: Bush has not gotten caught having sex with an intern or lying about it under oath. But he has engaged in a pattern of deception concerning the most fundamental decisions a government must make. The United States may have been justified in going to war in Iraq—there were, after all, other rationales for doing so—but it was not justified in doing so on the national security grounds that President Bush put forth throughout last fall and winter. He deceived Americans about what was known of the threat from Iraq and deprived Congress of its ability to make an informed decision about whether or not to take the country to war.

The most serious institutional casualty of the administration's campaign may have been the intelligence agencies, particularly the CIA. Some of the CIA's intelligence simply appears to have been defective, perhaps innocently so. Durbin says the CIA's classified reports contained extensive maps where chemical or biological weapons could be found. Since the war, these sites have not yielded evidence of any such weapons. But the administration also turned the agency—and Tenet in particular—into an advocate for the war with Iraq at a time when the CIA's own classified analyses contradicted the public statements of the agency and its director. Did Tenet really fact-check Bush's warning that Iraq could threaten the United States with UAVs? Did he really endorse Powell's musings on the links between Al Qaeda and Saddam? Or had Tenet and his agency by then lost any claim to the intellectual honesty upon which U.S. foreign policy critically depends—particularly in an era of preemptive war?

Democrats such as Durbin, Graham, and Senator Jay Rockefeller, who has become the ranking member of the Intelligence Committee, are now pressing for a full investigation into intelligence estimates of the Iraqi threat. This would entail public hearings with full disclosure of documents and guarantees of protection for witnesses who come forward to testify. But it is not likely to happen. Senator John Warner, the chairman of the Armed Services Committee, initially called for public hearings but recanted after Cheney visited a GOP senators' lunch on June 4. Cheney, according to Capitol Hill staffers, told his fellow Republicans to block any investigation, and it looks likely they will comply. Under pressure from Democrats, Roberts, the new Intelligence Committee chairman, has finally agreed to a closed-door hearing but not to a public or private investigation. According to Durbin, the Republican plan is to stall in the hope that the United States finds sufficient weapons of mass destruction in Iraq to quiet the controversy.

The controversy might, indeed, go away. Democrats don't have the power to call hearings, and, apart from Graham and former Vermont Governor Howard Dean, the leading Democratic presidential candidates are treating the issue delicately given the public's overwhelming support for the war. But there are worse things than losing an election by going too far out on a political limb—namely, failing to defend the integrity of the country's foreign policy and its democratic institutions. It may well be that, in the not-too-distant future, preemptive military action will become necessary—perhaps against a North Korea genuinely bent on incinerating Seoul or a nuclear Pakistan that has fallen into the hands of radical Islamists. In such a case, we the people will look to our leaders for an honest assessment of the threat. But, next time, thanks to George W. Bush, we may not believe them until it is too late.

LOAD-DATE: June 20, 2003

Exhibit E


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Monday, July 14, 2003

Editorials

[The mission to Niger]

Robert Novak

The mission to Niger The CIA's decision to send retired diplomat Joseph C. Wilson to Africa in February 2002 to investigate possible Iraqi purchases of uranium was made routinely without Director George Tenet's knowledge. Remarkably, this produced a political fire storm that has not yet subsided.

Wilson's report that an Iraqi purchase of uranium yellowcake from Niger was highly unlikely was regarded by the CIA as less than definitive, and it is doubtful Tenet ever saw it. Certainly, President Bush did not, before his 2003 State of the Union address, when he attributed reports of attempted uranium purchases to the British government. That the British relied on forged documents made Wilson's mission, nearly a year earlier, the basis of furious Democratic accusations of burying intelligence though the report was forgotten by the time the president spoke.

Reluctance at the White House to admit a mistake has led Democrats ever closer to saying the president lied the country into war. Even after a belated admission of error last Monday, finger-pointing between Bush administration agencies continued.

Wilson's mission was created after an early 2002 report by the Italian intelligence service about attempted uranium purchases from Niger, derived from forged documents prepared by what the CIA calls a "con man." This misinformation spread through the U.S. government. The White House, State Department and Pentagon asked the CIA to look into it.

That's where Joe Wilson came in. His first public note had come in 1991 after 15 years as a Foreign Service officer when, as U.S. charge in Baghdad, he risked his life to shelter in the embassy 800 Americans from Saddam Hussein's wrath. My partner Rowland Evans reported from the Iraqi capital in our column that Wilson showed "the stuff of heroism." The next year, President George H.W. Bush named him ambassador to Gabon, and President Bill Clinton put him in charge of African affairs at the National Security Council until his retirement in 1998.

Wilson never worked for the CIA, but his wife, Valerie Plame, is an agency

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operative on weapons of mass destruction. Two senior administration officials told me his wife suggested sending Wilson to Niger to investigate the Italian report. The CIA says its counter-proliferation officials selected Wilson and asked his wife to contact him. "I will not answer any question about my wife," Wilson told me.

After eight days in the Niger capital, Wilson made an oral report in Langley that an Iraqi uranium purchase was "highly unlikely," though he also mentioned in passing that a 1988 Iraqi delegation tried to establish commercial contacts. CIA officials did not regard Wilson's intelligence as definitive, being based primarily on what the Niger officials told him and probably would have claimed under any circumstances. The CIA report based on Wilson's briefing remains classified. All this was forgotten until reporter Walter Pincus revealed in the Washington Post on June 12 that an unnamed retired diplomat had given the CIA a negative report. Not until Wilson went public on July 6, however, did his finding ignite the fire storm.

During the run-up to the invasion of Iraq, Wilson had taken a measured public position--viewing weapons of mass destruction as a danger but considering military action as a last resort. He has seemed much more critical since revealing his role in Niger. In the Washington Post on July 6, he talked about the Bush team "misrepresenting the facts," asking: "What else are they lying about?"

After the White House admitted error, Wilson declined all television and radio interviews.

"The story was never me," he told me, "it was always the statement in [Bush's] speech."

The story, actually, is whether the administration deliberately ignored Wilson's advice, and that requires scrutinizing the CIA summary of what their envoy reported. The agency never before has declassified that kind of information, but the White House would like it to do just that now--in its and in the public's interest.

----- INDEX REFERENCES -----

NEWS SUBJECT: (International Relations (GDIP); Domestic Politics (GPOL); Military Action (GVIO); Political/General News (GCAT))

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Exhibit F



TIME

NATION

Thursday, Jul. 17, 2003

A War on Wilson?

Inside the Bush Administration's feud with the diplomat who poured cold water on the Iraq-uranium connection

By MATTHEW COOPER, MASSIMO CALABRESI AND JOHN F. DICKERSON

Has the Bush Administration declared war on a former ambassador who conducted a fact-finding mission to probe possible Iraqi interest in African uranium? Perhaps.

Former Ambassador Joseph C. Wilson raised the Administration's ire with an op-ed piece in The New York Times on July 6 saying that the Administration had "twisted" intelligence to "exaggerate" the Iraqi threat. Since then Administration officials have taken public and private whacks at Wilson, charging that his 2002 report, made at the behest of U.S. intelligence, was faulty and that his mission was a scheme cooked up by mid-level operatives. George Tenet, the director of the Central Intelligence Agency, took a shot at Wilson last week as did ex-White House Press Secretary Ari Fleischer. Both contended that Wilson's report on an alleged Iraqi effort to purchase uranium from Niger, far from undermining the president's claim in his State of the Union address that Iraq sought uranium in Africa, as Wilson had said, actually strengthened it. And some government officials have noted to TIME in interviews, (as well as to syndicated columnist Robert Novak) that Wilson's wife, Valerie Plame, is a CIA official who monitors the proliferation of weapons of mass destruction. These officials have suggested that she was involved in her husband's being dispatched Niger to investigate reports that Saddam Hussein's government had sought to purchase large quantities of uranium ore, sometimes referred to as yellow cake, which is used to build nuclear devices.

In an interview with TIME, Wilson, who served as an ambassador to Gabon and as a senior American diplomat in Baghdad under the current president's father, angrily said that his wife had nothing to do with his trip to Africa. "That is bulls__t. That is absolutely not the case," Wilson told TIME. "I met with between six and eight analysts and operators from CIA and elsewhere [before the Feb 2002 trip]. None of the people in that meeting did I know, and they took the decision to send me. This is a smear job."

Government officials are not only privately disputing the genesis of Wilson's trip, but publicly contesting what he found. Last week Bush Administration officials said that Wilson's report reinforced the president's claim that Iraq had sought uranium from Africa. They say that when Wilson returned from Africa in Feb. 2002, he included in his report to the CIA an encounter with a former Nigerien government official who told him that Iraq had approached him in June 1999, expressing interest in expanding commercial relations between Iraq and Niger. The Administration claims Wilson reported that the former Nigerien official interpreted the overture as an attempt to discuss uranium sales.

"This is in Wilson's report back to the CIA," White House Press Secretary Ari Fleischer told reporters last week, a few days before he left his post to join the private sector. "Wilson's own report, the very man who was on television saying Niger denies it...reports himself that officials in Niger said that Iraq was seeking to contact officials in Niger about sales."

Wilson tells the story differently and in a crucial respect. He says the official in question was contacted by an Algerian-Nigerien intermediary who inquired if the official would meet with an Iraqi about "commercial" sales — an offer he declined. Wilson dismisses CIA Director George Tenet's suggestion in his own mea culpa last week that the meeting validates the President's State of the Union claim: "That then translates into an Iraqi effort to import a significant quantity of uranium as the president alleged? These guys really need to get serious."

Government officials also chide Wilson for not delving into the details of the now infamous forged papers that pointed to a sale of uranium to Iraq. When Tenet issued his I-take-the-blame statement on the alleged Iraq-Niger uranium connection last week, he took a none-too-subtle jab at Wilson's report. "There was no mention in the report of forged documents — or any suggestion of the existence of documents at all," Tenet wrote. For his part Wilson says he did not deal with the forgeries explicitly in his report because he never saw them. However, Wilson says he refuted the forgeries' central allegation that Niger had been negotiating a sale of uranium to Iraq. Wilson says he explained in the report that several Nigerien government signatures would be required to permit such a sale — signatures that were either absent or clearly botched in the forged documents.

Administration officials also claim that Wilson took at face value the claims of Nigerien officials that they had not sold uranium ore to Saddam Hussein. (Such sales would have been forbidden under then-existing United Nations sanctions on Iraq.) "He spent eight days in Niger and he concluded that Niger denied the allegation," Fleischer told reporters last week. "Well, typically nations don't admit to going around nuclear nonproliferation,"

For his part, Wilson says that the Administration conflated the prior report of the American ambassador to Niger with his own. Wilson says a report by Barbro Owens-Kirkpatrick, the American ambassador to Niger, addresses the issue of Nigerien government officials disputing the allegation. Wilson says that he never made the naïve argument that if Nigerien officials denied

the sales, then their claims must be believed.

A source close to the matter says that Wilson was dispatched to Niger because Vice President Dick Cheney had questions about an intelligence report about Iraq seeking uranium and that he asked that the CIA get back to him with answers. Cheney's staff has adamantly denied and Tenet has reinforced the claim that the Vice President had anything to do with initiating the Wilson mission. They say the Vice President merely asked routine questions at an intelligence briefing and that mid-level CIA officials, on their own, chose to dispatch Wilson.

In an exclusive interview Lewis Libby, the Vice President's Chief of Staff, told TIME: "The Vice President heard about the possibility of Iraq trying to acquire uranium from Niger in February 2002. As part of his regular intelligence briefing, the Vice President asked a question about the implication of the report. During the course of a year, the Vice President asked many such questions and the agency responded within a day or two saying that they had reporting suggesting the possibility of such a transaction. But the agency noted that the reporting lacked detail. The agency pointed out that Iraq already had 500 tons of uranium, portions of which came from Niger, according to the International Atomic Energy Administration (IAEA). The Vice President was unaware of the trip by Ambassador Wilson and didn't know about it until this year when it became public in the last month or so." Other senior Administration officials, including National Security Adviser Condoleezza Rice, have also claimed that they had not heard of Wilson's report until recently.

After he submitted his report in March 2002, Wilson says, his interest in the topic lay dormant until the State of the Union address in January 2003. In his speech, the President cited a British report claiming that Hussein's government had sought uranium in Africa. Afterward, Wilson says, he called a friend at the Africa bureau of the State Department and asked if the reference had been to Niger. The friend said that he didn't know but, says Wilson, allowed the possibility that Bush was referring to some other country on the continent. Wilson says he let the matter drop until he saw State Department spokesman Richard Boucher say a few months later that the U.S. had been fooled by bad intelligence. It was then that Wilson says he realized that his report had been overlooked, ignored, or buried. Wilson told TIME that he considers the matter settled now that the White House has admitted the Bush reference to Iraq and African uranium should not have been in the State of the Union address.

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on this 12th day of May, 2006, I caused true and correct copies of the foregoing to be served on the following parties by electronic mail:

William Jeffress, Esq.
Baker Botts
The Warner
1299 Pennsylvania Avenue, N.W.
Washington, DC 20004-2400
Facsimile: 202-585-1087

Theodore V. Wells, Esq.
Paul Weiss
1285 Avenue of the Americas
New York, NY 10019-6064
Facsimile: 212-373-2217

Joseph A. Tate, Esq.
Dechert LLP
4000 Bell Atlantic Tower
1717 Arch Street
Philadelphia, PA 19103-2793
Facsimile: 215-994-2222

John D. Cline, Esq.
Jones Day
555 California Street
San Francisco, CA 94104
Facsimile: 415-875-5700

Respectfully submitted,



PATRICK J. FITZGERALD

Special Counsel
Office of the United States Attorney
Northern District of Illinois
219 South Dearborn Street, 5th Floor
Chicago, Illinois 60604